

## SENATE BILL No. 258

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 15-15-13; IC 16-18-2; IC 16-42-28; IC 21-45-7; IC 34-30-2-83.9; IC 35-48-4.

**Synopsis:** Cannabidiol for the treatment of epilepsy. Provides that certain prohibitions against granting a license to a grower or handler of industrial hemp do not apply to growers and manufacturers that process cannabidiol (CBD) and meet certain requirements. Requires the state seed commissioner to establish testing standards for CBD. Establishes requirements for facilities and manufacturers that manufacture or process CBD. Allows CBD that is manufactured and tested in Indiana to be used by certain physicians, patients, and caregivers. Establishes a CBD registry for certain physicians, patients, and caregivers for the use of CBD from hemp in the treatment of a child with intractable epilepsy. Establishes a pilot study registry for physicians interested in studying the use of CBD in the treatment of intractable epilepsy. Requires the state department of health to develop and maintain both registries. Provides civil, criminal, and administrative immunity for: (1) physicians in the use of CBD in the treatment of intractable epilepsy; (2) certain growers of industrial hemp; and (3) facilities and manufacturers of CBD; if certain requirements are met. Exempts caregivers and patients from criminal penalties for possession or use of CBD if the caregivers and patients are registered with the state department and are using the CBD for the patient and in the manner approved for registration. Encourages state educational institutions to research the use of CBD in the treatment of intractable epilepsy.

**Effective:** July 1, 2016.

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January 7, 2016, read first time and referred to Committee on Health & Provider Services.

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Second Regular Session 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

## SENATE BILL No. 258

A BILL FOR AN ACT to amend the Indiana Code concerning health.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 15-15-13-2.5 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2016]: **Sec. 2.5. As used in this chapter,**  
4 **"cannabidiol" has the meaning set forth in IC 16-42-28-1.**

5       SECTION 2. IC 15-15-13-5, AS ADDED BY P.L.165-2014,  
6 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
7 JULY 1, 2016]: Sec. 5. As used in this chapter, "handler" means:

8           **(1)** an individual, a partnership, a company, or a corporation that  
9 receives industrial hemp for scientific research, or for processing  
10 into commodities, products, or agricultural hemp seed; **or**

11           **(2) a facility or manufacturer that manufactures or processes**  
12 **cannabidiol.**

13       SECTION 3. IC 15-15-13-15, AS ADDED BY P.L.165-2014,  
14 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
15 JULY 1, 2016]: Sec. 15. **(a) This section does not apply to a grower**  
16 **or handler who grows, supplies, or processes industrial hemp into**  
17 **cannabidiol under IC 15-15-13-18.**



1        ~~(a)~~ **(b)** Notwithstanding any other law, the state seed commissioner  
 2        may not grant any license until the state seed commissioner has secured  
 3        any necessary permissions, waivers, or other form of legal status by the  
 4        United States Drug Enforcement Agency or other appropriate federal  
 5        agency concerning industrial hemp.

6        ~~(b)~~ **(c)** The state seed commissioner shall apply for any necessary  
 7        permissions, waivers, or other forms of legal status by the United States  
 8        Drug Enforcement Agency or other appropriate federal agency that are  
 9        necessary to implement this chapter. ~~before January 1, 2015.~~

10       ~~(c)~~ **(d)** The state seed commissioner may not implement a waiver  
 11       under this section until the state seed commissioner files an affidavit  
 12       with the governor attesting that the federal permission or waiver  
 13       applied for under this section is in effect. The state seed commissioner  
 14       shall file the affidavit under this subsection not later than five (5) days  
 15       after the state seed commissioner is notified that the waiver is  
 16       approved.

17       ~~(d)~~ **(e)** If the state seed commissioner receives a waiver permission  
 18       under this section from all the appropriate federal agencies and the  
 19       governor receives the affidavit filed under subsection ~~(c)~~; **(d)**, the state  
 20       seed commissioner shall implement this chapter, subject to the terms  
 21       and conditions of the permission or waiver received, not more than  
 22       sixty (60) days after the governor receives the affidavit.

23       SECTION 4. IC 15-15-13-18 IS ADDED TO THE INDIANA  
 24       CODE AS A NEW SECTION TO READ AS FOLLOWS  
 25       [EFFECTIVE JULY 1, 2016]: **Sec. 18. (a) This section does not apply**  
 26       **to a facility or manufacturer that is:**

- 27        **(1) a pharmaceutical manufacturer operating under the**  
 28        **approval of the federal Food and Drug Administration; or**  
 29        **(2) a state educational institution.**

30        **(b) The state seed commissioner shall adopt rules to establish**  
 31        **testing standards for cannabidiol that govern the analyzing and**  
 32        **testing of cannabidiol (CBD) for purity, potency, and**  
 33        **tetrahydrocannabinol (THC) levels.**

34        **(c) A facility or manufacturer that manufacturers or processes**  
 35        **cannabidiol in Indiana shall do the following:**

- 36        **(1) Submit a research plan to the state seed commissioner**  
 37        **concerning the investigation of:**  
 38        **(A) the processing of industrial hemp;**  
 39        **(B) the use of equipment or other methods to extract**  
 40        **cannabidiol from industrial hemp;**  
 41        **(C) the extraction of cannabidiol from different varieties**  
 42        **of industrial hemp; or**



- 1           **(D) other legitimate research concerning industrial hemp.**  
 2           **(2) Comply with the testing standards established under**  
 3           **subsection (b).**  
 4           **(3) Affix a copy of the test results on each container that**  
 5           **contains cannabidiol.**  
 6           **(4) Maintain sanitary conditions in the areas where**  
 7           **cannabidiol is manufactured or processed.**  
 8           **(5) Maintain adequate security over manufactured or**  
 9           **processed cannabidiol.**  
 10           **(6) Supply cannabidiol only to:**  
 11               **(A) physicians;**  
 12               **(B) patients; or**  
 13               **(C) caregivers;**  
 14           **under IC 16-42-28.**  
 15           **(d) A facility or manufacturer that manufacturers or processes**  
 16           **cannabidiol and meets the requirements under this chapter shall**  
 17           **be licensed as a handler under this chapter.**  
 18           **(e) A grower may grow and supply industrial hemp to a facility**  
 19           **or manufacturer that manufacturers or processes cannabidiol**  
 20           **under this section.**  
 21           **(f) The state seed commissioner may inspect a facility or**  
 22           **manufacturer that manufacturers or processes cannabidiol to**  
 23           **ensure compliance with this section.**  
 24           SECTION 5. IC 16-18-2-43.5 IS ADDED TO THE INDIANA  
 25 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 26 [EFFECTIVE JULY 1, 2016]: **Sec. 43.5. "Cannabidiol", for purposes**  
 27 **of IC 16-42-28, has the meaning set forth in IC 16-42-28-1.**  
 28           SECTION 6. IC 16-18-2-48.7 IS ADDED TO THE INDIANA  
 29 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 30 [EFFECTIVE JULY 1, 2016]: **Sec. 48.7. "Caregiver", for purposes**  
 31 **of IC 16-42-28, has the meaning set forth in IC 16-42-28-2.**  
 32           SECTION 7. IC 16-18-2-191.7 IS ADDED TO THE INDIANA  
 33 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 34 [EFFECTIVE JULY 1, 2016]: **Sec. 191.7. "Intractable epilepsy", for**  
 35 **purposes of IC 16-42-28, has the meaning set forth in**  
 36 **IC 16-42-28-3.**  
 37           SECTION 8. IC 16-18-2-272 IS AMENDED TO READ AS  
 38 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 272. (a) "Patient", for  
 39 purposes of IC 16-27-1, has the meaning set forth in IC 16-27-1-6.  
 40           (b) "Patient", for the purposes of IC 16-28 and IC 16-29, means an  
 41 individual who has been accepted and assured care by a health facility.  
 42           (c) "Patient", for purposes of IC 16-36-1.5, has the meaning set forth



1 in IC 16-36-1.5-3.

2 (d) "Patient", for purposes of IC 16-39, means an individual who has  
3 received health care services from a provider for the examination,  
4 treatment, diagnosis, or prevention of a physical or mental condition.

5 **(e) "Patient", for purposes of IC 16-42-28, has the meaning set**  
6 **forth in IC 16-42-28-4.**

7 SECTION 9. IC 16-18-2-282, AS AMENDED BY P.L.6-2012,  
8 SECTION 111, IS AMENDED TO READ AS FOLLOWS  
9 [EFFECTIVE JULY 1, 2016]: Sec. 282. (a) "Physician", except as  
10 provided in subsections (b) ~~and (c)~~, **through (d)**, means a licensed  
11 physician (as defined in section 202 of this chapter).

12 (b) "Physician", for purposes of IC 16-41-12, has the meaning set  
13 forth in IC 16-41-12-7.

14 (c) "Physician", for purposes of IC 16-37-1-3.1 and IC 16-37-3-5,  
15 means an individual who:

16 (1) was the physician last in attendance (as defined in section  
17 282.2 of this chapter); or

18 (2) is licensed under IC 25-22.5.

19 **(d) "Physician", for purposes of IC 16-42-28, has the meaning**  
20 **set forth in IC 16-42-28-5.**

21 ~~(d)~~ (e) "Physician", for purposes of IC 16-48-1, is subject to  
22 IC 16-48-1-2.

23 SECTION 10. IC 16-42-28 IS ADDED TO THE INDIANA CODE  
24 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
25 JULY 1, 2016]:

26 **Chapter 28. Drugs: Study and Use of Cannabidiol for the**  
27 **Treatment of Epilepsy Program**

28 **Sec. 1. As used in this chapter, "cannabidiol" means the**  
29 **cannabidiol (CBD) from a hemp plant that is manufactured or**  
30 **processed by a:**

31 **(1) pharmaceutical manufacturer operating under the**  
32 **approval of the federal Food and Drug Administration;**

33 **(2) state educational institution; or**

34 **(3) facility or manufacturer that is in compliance with the**  
35 **requirements under IC 15-15-13-18.**

36 **Sec. 2. As used in this chapter, "caregiver" refers to a parent,**  
37 **legal guardian, health care representative, or custodian of a**  
38 **patient.**

39 **Sec. 3. As used in this chapter, "intractable epilepsy" means a**  
40 **seizure disorder that has been diagnosed by a physician in a patient**  
41 **who has not responded to at least three (3) other seizure disorder**  
42 **treatment options.**



1       **Sec. 4. As used in this chapter, "patient" refers to an individual**  
 2 **who is:**

- 3       (1) less than eighteen (18) years of age; or  
 4       (2) at least eighteen (18) years of age but started treatment  
 5       with cannabidiol described under this chapter when the  
 6       individual was less than eighteen (18) years of age;  
 7 **and who has been diagnosed with intractable epilepsy by a**  
 8 **physician.**

9       **Sec. 5. As used in this chapter, "physician" means an individual**  
 10 **who:**

- 11       (1) is licensed under IC 25-22.5;  
 12       (2) is board certified in neurology; and  
 13       (3) is affiliated with a state educational institution.

14       **Sec. 6. A physician who is registered and conducting a**  
 15 **registered pilot research study under this chapter may approve the**  
 16 **dispensing or use of cannabidiol to a registered caregiver or**  
 17 **registered patient for the treatment of intractable epilepsy.**

18       **Sec. 7. (a) The state department shall develop and implement a**  
 19 **cannabidiol registry for the registration of:**

- 20       (1) physicians;  
 21       (2) patients; and  
 22       (3) caregivers;

23 **for the use of cannabidiol in the treatment of patients with**  
 24 **intractable epilepsy.**

25       (b) The cannabidiol registry must include a secure, electronic  
 26 online data base that is accessible by law enforcement agencies in  
 27 order to verify the registration of an individual.

28       (c) The state department shall register and issue a registration  
 29 card to a physician who:

- 30       (1) conducts a pilot research study;  
 31       (2) meets the requirements of this chapter;  
 32       (3) submits a completed registration form issued by the state  
 33 department; and  
 34       (4) pays the registration fee.

35       (d) The state department shall register and issue an individual  
 36 described in subsection (a)(2) or (a)(3) a registration card under  
 37 this section only if the individual meets the following requirements:

- 38       (1) The registrant under this subsection is:  
 39       (A) a caregiver who is at least eighteen (18) years of age; or  
 40       (B) a patient.  
 41       (2) The registrant under this subsection is an Indiana resident.  
 42       (3) The registrant under this subsection provides a certified



statement by a physician registered under this section that the registrant is either the patient or caregiver of a patient who meets the following requirements:

(A) The patient has been examined and diagnosed by the physician to have intractable epilepsy.

(B) The patient has been recommended by the physician for treatment by cannabidiol for the intractable epilepsy.

(C) The patient is to be included in the physician's pilot research study registry under section 9 of this chapter.

(4) The registrant under this subsection submits a completed registration application.

(5) The registrant under this subsection pays the registration fee set by the state department.

(e) The state department shall develop the cannabidiol registration application. The registration application for a caregiver must ask for the following information:

(1) The caregiver's name and address.

(2) The patient's name and address.

(3) A copy of the caregiver's valid government issued photo identification card.

(4) Any other relevant information the state department considers necessary to implement this section.

(f) The state department shall charge each registrant a registration fee of not more than fifty dollars (\$50) for an individual's initial registration under this section to cover the costs of implementing and administering the registry.

(g) Registration under this section is valid for one (1) year from the date of issuance. The state department shall renew a registration under this section for a registrant if the initial registration is current or has been updated by the registrant and the registrant continues to meet the registration requirements under this chapter. The state department shall charge a renewal fee of not more than twenty-five dollars (\$25).

**Sec. 8.** When a patient or caregiver registers for the cannabidiol registry, the state department shall contact and provide the local department of health where the patient or caregiver resides the following information:

(1) The name and address of the patient or caregiver.

(2) Identifying information contained on the patient's or caregiver's registration card.

(3) Any other information the state department determines is necessary to disclose.



1       **Sec. 9. (a) The state department shall establish and maintain a**  
 2       **pilot study registry for the monitoring of research performed by a**  
 3       **state educational institution as described in IC 21-45-7 concerning**  
 4       **the safety and efficacy of using cannabidiol in the treatment of**  
 5       **intractable epilepsy.**

6       **(b) A physician or the state educational institution seeking to**  
 7       **conduct research described in subsection (a) shall submit to the**  
 8       **state department an application to be included in the pilot study**  
 9       **registry that includes the following information:**

10       **(1) The name of the pilot study.**

11       **(2) The name of the affiliated state educational institution.**

12       **(3) The scientific and clinical parameters of the study.**

13       **(4) The protocols established to ensure patient safety.**

14       **(5) The name and address of any physician associated with the**  
 15       **pilot study.**

16       **(6) Any other information considered necessary by the state**  
 17       **department in order to determine the safety and evidence**  
 18       **based nature of the pilot study.**

19       **A physician may not conduct the research described in subsection**  
 20       **(a) until the pilot study has been certified by the state department**  
 21       **under subsection (c).**

22       **(c) The state department shall review each application**  
 23       **submitted under subsection (b) and include the pilot study on the**  
 24       **registry described in subsection (a) only after the state department**  
 25       **determines and certifies that the proposed pilot study does the**  
 26       **following:**

27       **(1) Adheres to minimum scientific methods.**

28       **(2) Protects patient safety.**

29       **(d) The state department may monitor a registered pilot study**  
 30       **under this section to ensure that the physician adheres to the**  
 31       **requirements set forth in subsection (c).**

32       **(e) A physician who has been approved for the pilot study**  
 33       **registry shall do the following while conducting the pilot study**  
 34       **research approved under this section:**

35       **(1) Maintain records of the evaluations and observations of a**  
 36       **patient participating in the pilot study, including the patient's**  
 37       **response to the cannabidiol treatment.**

38       **(2) Transmit the records described in subdivision (1) to the**  
 39       **state department upon the state department's request.**

40       **(f) The state department may charge a fee to cover**  
 41       **implementation and administration of the registry established**  
 42       **under this section.**





1       **Sec. 10.** The state department shall maintain any medical  
 2 records obtained under this chapter as confidential and the  
 3 medical records may not be disclosed to the public.

4       **Sec. 11. (a)** A physician registered under this chapter is immune  
 5 from civil, criminal, and administrative liability for approving,  
 6 dispensing, or using cannabidiol in the treatment of a patient with  
 7 intractable epilepsy if the patient is validly registered under this  
 8 chapter.

9       **(b)** A grower under IC 15-15-13-18 is immune from civil,  
 10 criminal, and administrative liability for growing or supplying  
 11 industrial hemp to a manufacturer or grower under  
 12 IC 15-15-13-18.

13       **(c)** A facility or manufacturer under IC 15-15-13-18 is immune  
 14 from civil, criminal, and administrative liability for  
 15 manufacturing, processing, or supplying cannabidiol under  
 16 IC 15-15-13-18 or this chapter.

17       **Sec. 12. (a)** The state department shall study whether the  
 18 registration under section 7 of this chapter should, based on sound  
 19 medical findings, be extended to individuals who:

- 20           (1) are at least eighteen (18) years of age;
- 21           (2) have been examined and diagnosed by a physician to have
- 22           intractable epilepsy; and
- 23           (3) have been recommended by the physician for treatment by
- 24           cannabidiol for the intractable epilepsy.

25       **(b)** Before November 1, 2017, the state department shall provide  
 26 its findings under subsection (a) to the general assembly in an  
 27 electronic format under IC 5-14-6. This subsection expires  
 28 December 31, 2017.

29       **Sec. 13.** The state department may adopt rules under IC 4-22-2  
 30 necessary to implement this chapter.

31       SECTION 11. IC 21-45-7 IS ADDED TO THE INDIANA CODE  
 32 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
 33 JULY 1, 2016]:

34       **Chapter 7. Research on Cannabidiol for Treatment of Epilepsy**

35       **Sec. 1.** As used in this chapter, "cannabidiol" means the  
 36 cannabidiol from a hemp plant.

37       **Sec. 2.** As used in this chapter, "intractable epilepsy" means a  
 38 seizure disorder that has been diagnosed by a physician (as defined  
 39 in IC 16-42-28-5) in a patient who has not responded to at least  
 40 three (3) other seizure disorder treatment options.

41       **Sec. 3.** The state encourages state educational institutions that  
 42 perform medical research and that are affiliated with a physician



1 registered under IC 16-42-28 to:

2 (1) conduct research by the physician; and

3 (2) participate in clinical studies or trials;

4 concerning the safety and efficacy of using cannabidiol in the  
5 treatment of intractable epilepsy.

6 SECTION 12. IC 34-30-2-83.9 IS ADDED TO THE INDIANA  
7 CODE AS A NEW SECTION TO READ AS FOLLOWS  
8 [EFFECTIVE JULY 1, 2016]: **Sec. 83.9. IC 16-42-28-11 (Concerning**  
9 **the growing of industrial hemp and the manufacturing, processing,**  
10 **supplying, and dispensing or use of cannabidiol in the treatment of**  
11 **intractable epilepsy).**

12 SECTION 13. IC 35-48-4-8.5, AS AMENDED BY P.L.208-2015,  
13 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
14 JULY 1, 2016]: Sec. 8.5. (a) A person who keeps for sale, offers for  
15 sale, delivers, or finances the delivery of a raw material, an instrument,  
16 a device, or other object that is intended to be or that is designed or  
17 marketed to be used primarily for:

18 (1) ingesting, inhaling, or otherwise introducing into the human  
19 body marijuana, hash oil, hashish, salvia, a synthetic drug, or a  
20 controlled substance;

21 (2) testing the strength, effectiveness, or purity of marijuana, hash  
22 oil, hashish, salvia, a synthetic drug, or a controlled substance;

23 (3) enhancing the effect of a controlled substance;

24 (4) manufacturing, compounding, converting, producing,  
25 processing, or preparing marijuana, hash oil, hashish, salvia, a  
26 synthetic drug, or a controlled substance;

27 (5) diluting or adulterating marijuana, hash oil, hashish, salvia, a  
28 synthetic drug, or a controlled substance by individuals; or

29 (6) any purpose announced or described by the seller that is in  
30 violation of this chapter;

31 commits a Class A infraction for dealing in paraphernalia.

32 (b) A person who knowingly or intentionally violates subsection (a)  
33 commits a Class A misdemeanor. However, the offense is a Level 6  
34 felony if the person has a prior unrelated judgment or conviction under  
35 this section.

36 (c) This section does not apply to the following:

37 (1) Items marketed for use in the preparation, compounding,  
38 packaging, labeling, or other use of marijuana, hash oil, hashish,  
39 salvia, a synthetic drug, or a controlled substance as an incident  
40 to lawful research, teaching, or chemical analysis and not for sale.

41 (2) Items marketed for or historically and customarily used in  
42 connection with the planting, propagating, cultivating, growing,



1 harvesting, manufacturing, compounding, converting, producing,  
 2 processing, preparing, testing, analyzing, packaging, repackaging,  
 3 storing, containing, concealing, injecting, ingesting, or inhaling  
 4 of tobacco or any other lawful substance.

5 (3) A qualified entity (as defined in IC 16-41-7.5-3) that provides  
 6 a syringe or needle as part of a program under IC 16-41-7.5.

7 (4) Any entity or person that provides funding to a qualified entity  
 8 (as defined in IC 16-41-7.5-3) to operate a program described in  
 9 IC 16-41-7.5.

10 **(5) A:**

11 **(A) licensed facility or manufacturer that manufacturers,**  
 12 **processes, or supplies cannabidiol; or**

13 **(B) licensed grower who grows and supplies industrial**  
 14 **hemp to a facility or manufacturer that manufacturers or**  
 15 **processes cannabidiol;**

16 **under IC 15-15-13.**

17 **(6) A physician described in IC 16-42-28 who:**

18 **(A) has been approved by the state department of health**  
 19 **under IC 16-42-28 to dispense or use cannabidiol in the**  
 20 **treatment of a patient for intractable epilepsy in a pilot**  
 21 **research study described in IC 16-42-28; and**

22 **(B) is dispensing or otherwise using the cannabidiol in the**  
 23 **treatment of the registered individual diagnosed with**  
 24 **intractable epilepsy.**

25 **(7) A physician, patient, or caregiver who is registered under**  
 26 **IC 16-42-28 for the use of cannabidiol in the treatment of**  
 27 **intractable epilepsy only if the cannabidiol is being used:**

28 **(A) for the patient; and**

29 **(B) in the manner;**

30 **approved by the state department of health for the purposes**  
 31 **of the registry.**

32 SECTION 14. IC 35-48-4-10, AS AMENDED BY P.L.168-2014,  
 33 SECTION 100, IS AMENDED TO READ AS FOLLOWS  
 34 [EFFECTIVE JULY 1, 2016]: Sec. 10. (a) A person who:

35 **(1) knowingly or intentionally:**

36 **(A) manufactures;**

37 **(B) finances the manufacture of;**

38 **(C) delivers; or**

39 **(D) finances the delivery of;**

40 **marijuana, hash oil, hashish, or salvia, pure or adulterated; or**

41 **(2) possesses, with intent to:**

42 **(A) manufacture;**



- 1 (B) finance the manufacture of;
- 2 (C) deliver; or
- 3 (D) finance the delivery of;
- 4 marijuana, hash oil, hashish, or salvia, pure or adulterated;
- 5 commits dealing in marijuana, hash oil, hashish, or salvia, a Class A
- 6 misdemeanor, except as provided in subsections (b) through (d).
- 7 (b) A person may be convicted of an offense under subsection (a)(2)
- 8 only if there is evidence in addition to the weight of the drug that the
- 9 person intended to manufacture, finance the manufacture of, deliver,
- 10 or finance the delivery of the drug.
- 11 (c) The offense is a Level 6 felony if:
- 12 (1) the person has a prior conviction for a drug offense and the
- 13 amount of the drug involved is:
- 14 (A) less than thirty (30) grams of marijuana; or
- 15 (B) less than five (5) grams of hash oil, hashish, or salvia; or
- 16 (2) the amount of the drug involved is:
- 17 (A) at least thirty (30) grams but less than ten (10) pounds of
- 18 marijuana; or
- 19 (B) at least five (5) grams but less than three hundred (300)
- 20 grams of hash oil, hashish, or salvia.
- 21 (d) The offense is a Level 5 felony if:
- 22 (1) the person has a prior conviction for a drug dealing offense
- 23 and the amount of the drug involved is:
- 24 (A) at least thirty (30) grams but less than ten (10) pounds of
- 25 marijuana; or
- 26 (B) at least five (5) grams but less than three hundred (300)
- 27 grams of hash oil, hashish, or salvia; or
- 28 (2) the:
- 29 (A) amount of the drug involved is:
- 30 (i) at least ten (10) pounds of marijuana; or
- 31 (ii) at least three hundred (300) grams of hash oil, hashish,
- 32 or salvia; or
- 33 (B) offense involved a sale to a minor.
- 34 **(e) This section does not apply to the following:**
- 35 **(1) A:**
- 36 **(A) licensed facility or manufacturer that manufactures,**
- 37 **processes, or supplies cannabidiol; or**
- 38 **(B) licensed grower who grows and supplies industrial**
- 39 **hemp to a facility or manufacturer that manufactures or**
- 40 **processes cannabidiol;**
- 41 **under IC 15-15-13.**
- 42 **(2) A physician described in IC 16-42-28 who:**



(A) has been approved by the state department of health under IC 16-42-28 to dispense or use cannabidiol in the treatment of a patient for intractable epilepsy in a pilot research study described in IC 16-42-28; and

(B) is dispensing or otherwise using the cannabidiol in the treatment of the registered patient diagnosed with intractable epilepsy.

(3) A physician, patient, or caregiver who is registered under IC 16-42-28 for the use of cannabidiol in the treatment of intractable epilepsy only if the cannabidiol is being used:

(A) for the patient; and

(B) in the manner;

approved by the state department of health for the purposes of the registry.

SECTION 15. IC 35-48-4-11, AS AMENDED BY P.L.226-2014(ts), SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 11. (a) A person who:

(1) knowingly or intentionally possesses (pure or adulterated) marijuana, hash oil, hashish, or salvia;

(2) knowingly or intentionally grows or cultivates marijuana; or

(3) knowing that marijuana is growing on the person's premises, fails to destroy the marijuana plants;

commits possession of marijuana, hash oil, hashish, or salvia, a Class B misdemeanor, except as provided in subsections (b) through (c).

(b) The offense described in subsection (a) is a Class A misdemeanor if the person has a prior conviction for a drug offense.

(c) The offense described in subsection (a) is a Level 6 felony if:

(1) the person has a prior conviction for a drug offense; and

(2) the person possesses:

(A) at least thirty (30) grams of marijuana; or

(B) at least five (5) grams of hash oil, hashish, or salvia.

(d) This section does not apply to the following:

(1) A:

(A) licensed facility or manufacturer that manufactures, processes, or supplies cannabidiol; or

(B) licensed grower who grows and supplies industrial hemp to a facility or manufacturer that manufactures or processes cannabidiol;

under IC 15-15-13.

(2) A physician described in IC 16-42-28 who:

(A) has been approved by the state department of health under IC 16-42-28 to dispense or use cannabidiol in the



1 treatment of a patient for intractable epilepsy in a pilot  
2 research study described in IC 16-42-28; and  
3 (B) is dispensing or otherwise using the cannabidiol in the  
4 treatment of the registered patient diagnosed with  
5 intractable epilepsy.  
6 (3) A physician, patient, or caregiver who is validly registered  
7 under IC 16-42-28 for the use of cannabidiol in the treatment  
8 of intractable epilepsy only if the cannabidiol is being used:  
9 (A) for the patient; and  
10 (B) in the manner;  
11 approved by the state department of health for the purposes  
12 of the registry.

